



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SEP 25 2008

Michael Sedita, Chairman
Warren County Democratic Committee
P.O. Box 415
Washington, N.J. 07882

RE: MUR 5973
Michael Sedita

Dear Mr. Sedita:

On February 12, 2008, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On September 17, 2008, the Commission found, on the basis of the information in the complaint and information provided by you that there is no reason to believe that you violated the Act in connection with this matter. Accordingly, the Commission closed its file in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). The Factual and Legal Analysis, which explains the Commission's finding(s), is enclosed for your information.

If you have any questions, please contact Marianne Abely, the attorney assigned to this matter at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Audra L. Wassom".

Audra L. Wassom
Acting Assistant General Counsel

Enclosure:
Factual and Legal Analysis

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THE FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Michael Sedita

MUR: 5973

I. FACTUAL BACKGROUND

This matter arises from a complaint alleging that Michael Sedita, the Chairman of the Warren County Democratic Committee ("WCDC"), violated the Federal Election Campaign Act of 1971, as amended ("the Act"), in connection with the WCDC's failure to register as a federal political committee and its failure to use non-federal funds to pay for a postcard and a website that mention clearly identified federal candidates within 120 days of the New Jersey presidential primary election. See 2 U.S.C. §§ 433(a), 434(a) or 441i(b)(1).

The WCDC is registered as a political party committee with the New Jersey Election Law Enforcement Commission ("ELEC"). See State of New Jersey, Election Law Enforcement Commission, Campaign Financing and Disclosure Database, available at <http://elec.state.nj/us>. Michael Sedita is the Chairman of the WCDC.

On or about January of 2008, the WCDC mailed out "thousands of postcards to active, unaffiliated voters in Warren County suggesting that they come to [the] polls and vote as Democrats."¹ See <http://www.warrenctydemts.org/> blog (last visited on August 11, 2008). A copy of the two-sided postcard is attached to the complaint. In addition to the recipient's name and address, the front of the postcard includes a disclaimer stating

¹ Any New Jersey resident who was registered to vote as a Democrat or as a Republican was eligible to vote on February 5, 2008 in their respective party's primary election. Registered voters who were unaffiliated were eligible to vote in the primary election after declaring a party affiliation at the polls. *Fast Facts About New Jersey's Presidential Primary*, Associated Press (Feb. 3, 2008), www.phillyburbs.com/pb-dyn/news.

that it was “[p]aid for by the Warren County Democratic Committee, PO Box 415, Washington, NJ 07882.” The front of the postcard also states:

Most likely, a Democrat will be elected President this November. On February 5, 2008, New Jersey Primary Voters will cast their ballots for the next President of the United States. Don't be left out. Go to the polls on primary election day and say **“I want to vote as a Democrat!”** (emphasis in original) Bring this card with you as a reminder. For more information, e-mail info@wcdems.org or call 908-752-5426.

The back side of the postcard also urges the recipient to vote on February 5, 2008 in the New Jersey Democratic presidential primary, stating, “Who Will Be Our Next President? Vote February 5th, 2008 NJ Democratic Presidential Primary Don't Let Someone Else Choose For You.” To the left of the text, it lists the eight Democratic candidates.

In response to the complaint, the respondents indicated that the total cost for preparing and mailing the postcard at issue was “approximately \$1,500” and was funded entirely by “contributions raised by the WCDC.” We invited the respondents, if they chose, to identify the specific source of the “contributions” used to fund the activity and provide supporting information for its assertion as to the cost of preparing and distributing the subject postcard. The respondents subsequently clarified this information, stating that the total cost of preparing and distributing the postcard was \$813.41. The WCDC's 2007 Q4 (10/15/07 – 12/31/07) New Jersey state disclosure report indicates that the committee made disbursements totaling \$388.44 for the printing and mailing of “affiliation drive postcards.” The 2008 Q1 (1/1/08 – 3/31/08) report discloses a \$25.00 disbursement for design of the postcard and in-kind contributions totaling \$399.97 in the form of labels, lists and mailing for “voter affiliation cards.” See State of New Jersey, Election Law Enforcement Commission, Campaign Financing and

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Disclosure Database, available at <http://elec.state.nj.us> (hereinafter ELEC Database). A review of the WCDC's ELEC reports for 2007 and 2008 indicates that the subject postcard was the only activity the committee financed in connection with a federal election during those calendar years. During this time period, the WCDC made contributions exclusively to local candidate committees and, apart from the subject postcard, made expenditures only on behalf of local candidates or for the purpose of participating in party events. *Id.*

The subject postcard does not actually direct the recipient to the WCDC's website, but instead provides those seeking further information with the Committee's e-mail address and telephone number. However, as alleged in the complaint, the WCDC does sponsor a website through which it promotes federal, as well as, state candidates. For instance, in January 2008, when the subject postcard was distributed, the website's content included blog postings promoting Congressman Frank Pallone's appearance at the Fall Victory Celebration and highlighting the "horserace" between presidential primary opponents Senators Barack Obama and Hillary Clinton. <http://warrenctydem.org/blog/index> (last accessed August 11, 2008). In addition to the blog, which was written by Sedita, the publicly available portion of the WCDC's website currently includes subpages devoted to local party events, candidates, fundraising and Democratic party news and events.² *Id.* ELEC reports indicate that, beyond paying nominal sums for server space and other online fees, the website's content was managed

² In order to access the full features of the WCDC's website, including opting-in to the committee's e-mail list, visitors were required to register with the website. See <http://www.warrenctydem.org> (last accessed August 11, 2008). The WCDC also has a second registered website, which appears to have the same content. See <http://www.warrenctydem.com> (last accessed August 11, 2008).

by volunteers. For instance, in calendar year 2008, the WDCDC paid \$9.99 per month for website hosting. See ELEC Database.

II. LEGAL ANALYSIS

The complaint made no specific allegations and failed to present any evidence that Michael Sedita personally violated any provision of the Act. Accordingly, the Commission finds no reason to believe that Michael Sedita violated the Act in connection with this matter.

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